

Exhibit A
Defendants' Geeky Baby, LLC, Zenacon, LLC and Steven Verona's
Joint Non-Infringement Contentions for the Asserted Patents

Defendants do not (literally or under the doctrine of equivalents) infringe any of claims 9 and 12-18 of U.S. Patent No. 8,485,565 ("the '565 Patent") or any of claims 1-7, 9 and 14-15 of U.S. Patent No. 8,684,420 ("the '420 Patent") (collectively the "Asserted Claims") under either the correct claim construction or the implicit constructions apparent from the allegations in Plaintiff's Infringement Contentions.

Nothing stated herein shall be treated as an admission or suggestion that Defendants agree with Plaintiff regarding either the scope of any of the asserted claims or the claim constructions apparently advanced by Plaintiff in its Infringement Contentions or anywhere else, or that the accused products meet any limitations of the Asserted Claims. Nothing stated herein shall be construed as an admission or a waiver of any particular construction of any claim term. The cited evidence is merely illustrative.

Plaintiff's Infringement Contentions fail to provide Defendants with reasonable notice of why Plaintiff has a reasonable chance of proving infringement with respect to each Asserted Claim. Plaintiff's Infringement Contentions further fail to provide Defendants with reasonable notice of any theory that Defendants infringe any of the Asserted Claims under the doctrine of equivalents. Plaintiff's Infringement Contentions further fail to provide Defendants with reasonable notice of any theory that Defendants indirectly infringe any of the Asserted Claims. To the extent Plaintiff amends and/or supplements its Infringement Contentions, Defendants will respond to those amended and/or supplemented contentions.

Asserted Claims 9 and 12-18 of the '565 Patent

[9.0] The kit as recited in claim 1, including	<i>See the chart for claim 1 below.</i>
[1.0] A kit for creating an item consisting of a series of	Defendants do not make, use, sell, offer for sale, or import the accused kit as a whole including all of the recited elements of the claimed kit and/or Defendants do

links, the device comprising:	not control the recited elements of the accused kit as a whole and obtain benefit from it; thus Defendants do not directly infringe the claims.
[1.1] a base; and	<i>See the chart for claim [1.0] above.</i>
[1.2] at least one pin bar supported on the base, the pin bar including a plurality of pins each including a top flared portion for holding a link in a desired orientation and an opening on a front side of each of the plurality of pins.	<i>See the chart for claim [1.0] above.</i> Defendants do not make, sell, or import a kit including “ <i>at least one pin bar supported on the base, the pin bar including a plurality of pins each including a top flared portion for holding a link in a desired orientation and an opening on a front side of each of the plurality of pins,</i> ” or put into service and/or direct and control a user to put into service, a kit including “ <i>at least one pin bar supported on the base, the pin bar including a plurality of pins each including a top flared portion for holding a link in a desired orientation and an opening on a front side of each of the plurality of pins.</i> ”
[9.1] a clip for securing ends of the series of links together.	<i>See the chart for claim 1 above.</i> Defendants do not make, sell, or import a kit including “ <i>a clip for securing ends of the series of links together,</i> ” or put into service and/or direct and control a user to put into service, a kit including “ <i>a clip for securing ends of the series of links together.</i> ”
[12.0] A method of creating a linked item comprising the steps of:	<i>See the chart for claim [12.0] above.</i> Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or

	<p>direct and control the performance of, all of the recited steps of the claim, and thus cannot directly infringe the claims.</p> <p>Defendants do not indirectly infringe the claims under any theory of indirect infringement because there is no direct infringement under 35 USC § 271(a).</p> <p>Defendants also do not indirectly infringe the claims under any theory of induced infringement because Plaintiff has provided no evidence that Defendants both (1) had actual knowledge or willful blindness of infringement of the claims, and (2) knowingly induced infringement by another and possessed specific intent to encourage another's direct infringement of the claims. Defendants further do not indirectly infringe the claims under any theory of contributory infringement because Plaintiff has provided no evidence that Defendants had actual knowledge or willful blindness of infringement of any of the claims. Defendants further do not indirectly infringe the claims under any theory of contributory infringement because Plaintiff has provided no evidence that Defendants' products identified in Plaintiff's Infringement Contentions ("the Accused Products") have no substantial noninfringing uses.</p>
<p>[12.1] supporting at least one pin bar including a plurality of pins to a base to define a desired relative special relationship between at least two adjacent pins;</p>	<p><i>See</i> the chart for claim [12.0] above.</p> <p>Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim.</p> <p>Additionally, a purchaser/user of the Accused Products does not perform, and/or direct and control the performance of, this step of the claim. Plaintiff has provided no evidence that a purchaser/user of the Accused Products performs the step of "<i>supporting at least one pin bar including a plurality of pins to a base to define a desired relative special relationship between at least two adjacent pins</i>" nor does a purchaser/user of the Accused Products direct and control another to perform this step of "<i>supporting at least one pin bar including a plurality of pins to a base to</i></p>

	<i>define a desired relative special relationship between at least two adjacent pins.”</i>
[12.2] assembling at least two elastic bands across adjacent pins;	<p><i>See the chart for claim [12.0], [12.1] above.</i></p> <p>Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim.</p> <p>To the extent the Court construes this claim and determines that the claim is not invalid as indefinite under 35 U.S.C. § 112, Plaintiff has further provided no evidence that the Accused Products have no substantial noninfringing uses to performing this step of the claim.</p>
[12.3] capturing one end of an elastic band and pulling the end over and onto an adjacent pin while engaged with another elastic band; and	<p><i>See the chart for claim [12.0], [12.1] above.</i></p> <p>Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim.</p> <p>To the extent the Court construes this claim and determines that the claim is not invalid as indefinite under 35 U.S.C. § 112, Plaintiff has further provided no evidence that the Accused Products have no substantial noninfringing uses to performing this step of the claim.</p>
[12.4] capturing and pulling subsequent ends over until a desired link length and configuration is obtained.	<p><i>See the chart for claim [12.0], [12.1] above.</i></p> <p>Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim.</p> <p>To the extent the Court construes this claim and determines that the claim is not</p>

	invalid as indefinite under 35 U.S.C. § 112, Plaintiff has further provided no evidence that the Accused Products have no substantial noninfringing uses to performing this step of the claim.
[13.0] The method as recited in claim 12,	<i>See</i> the chart for claim 12 above.
[13.1] wherein a second of the at least two elastic bands is placed atop one end of the first of the at least two elastic bands on a common pin.	<i>See</i> the chart for claim 12 above. Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim. To the extent the Court construes this claim and determines that the claim is not invalid as indefinite under 35 U.S.C. § 112, Plaintiff has further provided no evidence that the Accused Products have no substantial noninfringing uses to performing this step of the claim.
[14.0] The method as recited in claim 13,	<i>See</i> the chart for claims 12 and 13 above.
[14.1] wherein capturing one end of the elastic band includes using a hook tool reaching into an access groove of the pin to extend below the top most elastic band and grasp a bottom elastic band with the hook	<i>See</i> the chart for claims 12 and 13 above. Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim. To the extent the Court construes this claim and determines that the claim is not invalid as indefinite under 35 U.S.C. § 112, Plaintiff has further provided no evidence that the Accused Products have no substantial noninfringing uses to

tool.	performing this step of the claim.
[15.0] The method as recited in claim 12, including	<i>See</i> the chart for claim 12 above.
[15.1] assembling a plurality of pin bars to a base to provide parallel rows of pins.	<i>See</i> the chart for claim 12 above. Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim. Additionally, a purchaser/user of the Accused Products does not perform, and/or direct and control the performance of, this step of the claim. Plaintiff has provided no evidence that a purchaser/user of the Accused Products performs the step of “ <i>assembling a plurality of pin bars to a base</i> to provide parallel rows of pins” nor does a purchaser/user of the Accused Products direct and control another to perform this step of “ <i>assembling a plurality of pin bars to a base</i> to provide parallel rows of pins.”
[16.0] The method as recited in claim 15, including the step of	<i>See</i> the chart for claims 12 and 15 above.
[16.1] assembling the plurality of pin bars to a corresponding plurality of bases to define a desired pattern of pins.	<i>See</i> the chart for claims 12 and 15 above. Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim.

	<p>Additionally, a purchaser/user of the Accused Products does not perform, and/or direct and control the performance of, this step of the claim. To the extent the Court construes this claim and determines that the claim is not invalid as indefinite under 35 U.S.C. § 112, Plaintiff has provided no evidence that a purchaser/user of the Accused Products performs the step of “<i>assembling the plurality of pin bars to a corresponding plurality of bases</i> to define a desired pattern of pins” nor does a purchaser/user of the Accused Products direct and control another to perform this step of “<i>assembling the plurality of pin bars to a corresponding plurality of bases</i> to define a desired pattern of pins.”</p>
<p>[17.0] The method as recited in claim 15, including</p>	<p><i>See the chart for claims 12 and 15 above.</i></p>
<p>[17.1] assembling a plurality elastic bands in a desired pattern to the plurality of pin bars including at least one elastic band that extends between pins of another pin bar.</p>	<p><i>See the chart for claims 12 and 15 above.</i></p> <p>Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim.</p> <p>Additionally, a purchaser/user of the Accused Products does not perform, and/or direct and control the performance of, this step of the claim. To the extent the Court construes this claim and determines that the claim is not invalid as indefinite under 35 U.S.C. § 112, Plaintiff has provided no evidence that a purchaser/user of the Accused Products performs the step of “assembling a plurality elastic bands in a desired pattern <i>to the plurality of pin bars</i> including at least one elastic band <i>that extends between pins of another pin bar</i>” nor does a purchaser/user of the Accused Products direct and control another to perform this step of “assembling a plurality elastic bands in a desired pattern <i>to the plurality of pin bars</i> including at least one elastic band <i>that extends between pins of another pin bar</i>.” Plaintiff has further</p>

	provided no evidence that the Accused Products have no substantial noninfringing uses to performing this step of the claim.
[18.0] The method as recited in claim 15,	<i>See</i> the chart for claims 12 and 15 above.
[18.1] including the step of inserting ends of the elastic bands into a clip to form the linked item.	<i>See</i> the chart for claims 12 and 15 above. Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim. To the extent the Court construes this claim and determines that the claim is not invalid as indefinite under 35 U.S.C. § 112, Plaintiff has further provided no evidence that the Accused Products have no substantial noninfringing uses to performing this step of the claim.

Asserted Claims 1-7, 9 and 14-15 of the '420 Patent

[1.0] A device for creating an item consisting of a series of links, the device comprising:	Defendants do not make, use, sell, offer for sale, or import the accused device as a whole including all of the recited elements of the claimed device and/or Defendants do not control the recited elements of the accused device as a whole and obtain benefit from it; thus Defendants do not directly infringe the claims.
[1.1] a base; and	<i>See the chart for claim [1.0] above.</i>
[1.2] a plurality of pins supported on the base, wherein each of the plurality of pins includes a top portion for holding a link in a desired orientation and an opening on at least one side of each of the plurality of pins, wherein the plurality of pins comprises rows of offset pins spaced apart and extending upward from the base.	<p><i>See the chart for claim [1.0] above.</i></p> <p>To the extent that the Plaintiff asserts that this claim element does not render the claim invalid under 35 U.S.C. § 112 and is entitled to the priority date identified in Plaintiff's Infringement Contentions, and/or to the extent that Plaintiff asserts that this claim element does not render the claim invalid under 35 U.S.C. § 101, Defendants do not make, sell, or import a device including “a plurality of pins <i>supported on the base</i>, wherein each of the plurality of pins includes <i>a top portion for holding a link in a desired orientation</i> and an opening on at least one side of each of the plurality of pins, <i>wherein the plurality of pins comprises rows of offset pins spaced apart and extending upward from the base</i>,” or put into service and/or direct and control a user to put into service, a device including “a plurality of pins <i>supported on the base</i>, wherein each of the plurality of pins includes a top portion <i>for holding a link in a desired orientation</i> and an opening on at least one side of each of the plurality of pins, <i>wherein the plurality of pins comprises rows of offset pins spaced apart and extending upward from the base</i>.”</p>
[2.0] The device as recited	<i>See the chart for claim 1 above.</i>

in claim 1,	
[2.1] wherein the opening comprises a slot extending from the top portion toward the base.	<i>See the chart for claim 1 above.</i>
[3.0] The device as recited in claim 1,	<i>See the chart for claim 1 above.</i>
[3.1] wherein the top portion comprises a flared portion for holding a link in place on at least one of the plurality of pins.	<i>See the chart for claim 1 above.</i>
[4.0] The device as recited in claim 1,	<i>See the chart for claim 1 above.</i>
[4.1] wherein each of the plurality of pins includes a bottom flared portion spaced apart from the top portion and a mid portion for holding a link.	<i>See the chart for claim 1 above.</i> Defendants do not make, sell, or import a device including “wherein each of the plurality of pins <i>includes a bottom flared portion</i> spaced apart from the top portion and a mid portion for holding a link,” or put into service and/or direct and control a user to put into service, a device including “wherein each of the plurality of pins <i>includes a bottom flared portion</i> spaced apart from the top portion and a mid portion for holding a link.”

[5.0] The device as recited in claim 1,	<i>See the chart for claim 1 above.</i>
[5.1] wherein the base includes a mating feature for combining additional devices and additional pluralities of pins.	<i>See the chart for claim 1 above.</i> Defendants do not make, sell, or import a device including “wherein the base includes <i>a mating feature for combining additional devices and additional pluralities of pins</i> ,” or put into service and/or direct and control a user to put into service, a device including “wherein each of the plurality of pins <i>includes a bottom flared portion</i> spaced apart from the top portion and a mid portion for holding a link.”
[6.0] A kit for creating an item consisting of a series of links, the kit comprising:	Defendants do not make, use, sell, offer for sale, or import the accused kit as a whole including all of the recited elements of the claimed kit and/or Defendants do not control the recited elements of the accused kit as a whole and obtain benefit from it; thus Defendants do not directly infringe the claims.
[6.1] a plurality of pins supported relative to each other including a top portion for holding a link in a desired orientation and an opening on at least one side of each of the plurality of	<i>See the chart for claim [6.0] above.</i> To the extent that the Plaintiff asserts that this claim element does not render the claim invalid under 35 U.S.C. § 112 and is entitled to the priority date identified in Plaintiff’s Infringement Contentions, and/or to the extent that Plaintiff asserts that this claim element does not render the claim invalid under 35 U.S.C. § 101, Defendants do not make, sell, or import a kit including “a plurality of pins

<p>pins, wherein the plurality of pins comprises rows of offset pins spaced apart and extending upward from a base.</p>	<p><i>supported relative to each other including a top portion for holding a link in a desired orientation and an opening on at least one side of each of the plurality of pins, wherein the plurality of pins comprises rows of offset pins spaced apart and extending upward from a base,” or put into service and/or direct and control a user to put into service, a kit including “a plurality of pins supported relative to each other including a top portion for holding a link in a desired orientation and an opening on at least one side of each of the plurality of pins, wherein the plurality of pins comprises rows of offset pins spaced apart and extending upward from a base.”</i></p>
<p>[7.0] The kit as recited in claim 6, including</p>	<p><i>See the chart for claim 6 above.</i></p>
<p>[7.1] a hook tool for manipulating a link held in a desired orientation on at least one of the plurality of pins.</p>	<p><i>See the chart for claim 6 above.</i> Defendants do not make, sell, or import a device including “a hook tool for manipulating a link held in a desired orientation on at least one of the plurality of pins,” or put into service and/or direct and control a user to put into service, a device including “hook tool for manipulating a link held in a desired orientation on at least one of the plurality of pins.”</p>
<p>[9.0] The kit as recited in claim 6,</p>	<p><i>See the chart for claim 6 above.</i></p>
<p>[9.1] wherein the opening comprises a slot extending from the top portion toward the base.</p>	<p><i>See the chart for claim 6 above.</i></p>

<p>[14.0] A method of assembling a kit for creating a linked item comprising the steps of:</p>	<p>Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, all of the recited steps of the claim, and thus cannot directly infringe the claims.</p> <p>Defendants do not indirectly infringe the claims under any theory of indirect infringement because there is no direct infringement under 35 USC § 271(a). Defendants also do not indirectly infringe the claims under any theory of induced infringement because Plaintiff has provided no evidence that Defendants both (1) had actual knowledge or willful blindness of infringement of the claims, and (2) knowingly induced infringement by another and possessed specific intent to encourage another's direct infringement of the claims. Defendants further do not indirectly infringe the claims under any theory of contributory infringement because Plaintiff has provided no evidence that Defendants had actual knowledge or willful blindness of infringement of any of the claims. Defendants further do not indirectly infringe the claims under any theory of contributory infringement because Plaintiff has provided no evidence that Defendants' products identified in Plaintiff's Infringement Contentions ("the Accused Products") have no substantial noninfringing uses.</p>
<p>[14.1] supporting a plurality of pins to define a desired spatial relationship between pins; providing an access opening on each of the plurality of pins to provide access for a hook tool to grasp a link supported on one of the plurality of pins; providing a plurality of links</p>	<p><i>See</i> the chart for claim [14.0] above.</p> <p>Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, all of these steps of the claim. Additionally, a purchaser/user of the Accused Products does not perform, and/or direct and control the performance of, all of these steps of the claim.</p> <p>Further, and to the extent that the Plaintiff asserts that this claim element does not render the claim invalid under 35 U.S.C. § 112 and is entitled to the priority date identified in Plaintiff's Infringement Contentions, and/or to the extent that Plaintiff</p>

<p>for assembly the plurality of pins according to a desired pattern; and providing a plurality of connectors for holding links together once a desired pattern is completed.</p>	<p>asserts that this claim element does not render the claim invalid under 35 U.S.C. § 101, Plaintiff has provided no evidence that a purchaser/user of the Accused Products performs, or Defendants perform, the steps of “<i>supporting a plurality of pins to define a desired spatial relationship between pins; providing an access opening on each of the plurality of pins to provide access for a hook tool to grasp a link supported on one of the plurality of pins; providing a plurality of links for assembly the plurality of pins according to a desired pattern; and providing a plurality of connectors for holding links together once a desired pattern is completed</i>” nor does a purchaser/user of the Accused Products direct and control another to perform these steps of “<i>supporting a plurality of pins to define a desired spatial relationship between pins; providing an access opening on each of the plurality of pins to provide access for a hook tool to grasp a link supported on one of the plurality of pins; providing a plurality of links for assembly the plurality of pins according to a desired pattern; and providing a plurality of connectors for holding links together once a desired pattern is completed</i>.”</p>
<p>[15.0] The method as recited in claim 14, including the step of</p>	<p><i>See the chart for claim 14 above.</i></p>
<p>[15.1] providing a hook tool for insertion into the access opening for manipulating a link supported on one of the plurality of pins.</p>	<p><i>See the chart for claim 14 above.</i></p> <p>Defendants do not, and Plaintiff does not assert that Defendants, perform, and/or direct and control the performance of, this step of the claim.</p> <p>Additionally, a purchaser/user of the Accused Products does not perform, and/or direct and control the performance of, this step of the claim. Further, and to the extent that the Plaintiff asserts that this claim element does not render the claim invalid under 35 U.S.C. § 112 and is entitled to the priority date identified in</p>

	<p>Plaintiff's Infringement Contentions, and/or to the extent that Plaintiff asserts that this claim element does not render the claim invalid under 35 U.S.C. § 101, Plaintiff has provided no evidence that a purchaser/user of the Accused Products performs, the step of "<i>providing a hook tool for insertion into the access opening for manipulating a link supported on one of the plurality of pins</i>" nor does a purchaser/user of the Accused Products direct and control another to perform these steps of "<i>providing a hook tool for insertion into the access opening for manipulating a link supported on one of the plurality of pins</i>." Plaintiff has further provided no evidence that the Accused Products have no substantial noninfringing uses to performing this step of the claim.</p>
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